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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,828

02/27/2002

Jay Son

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1756

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 BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

SHAH, AMEE A

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/085,828

Applicant(s)

SON ET AL.

Examiner

Amea A. Shah

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-23, 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claims 1-6, 24 and 25 are pending in this action.

Response to Amendment

Applicant's amendment, filed October 2, 2006, has been entered. Claims 1, 2, 4, 5, 24 and 24 have been amended. In view of the amendments, the 35 U.S.C. §112 rejections of claims 2 and 5 are withdrawn. However, the amended drawings still contain improper shading and are still objected to.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 24 and 25 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(m) because Figure 3 contains improper shading that does not aid in the understanding of the invention, is illegible, and will not reproduce properly.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter

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as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. §103(c) and potential 35 U.S.C. §102(e), (f) or (g) prior art under 35 U.S.C. §103(a).

Claims 1-6, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, III et al., US 2001/0044751 A1 (hereafter referred to as "Pugliese") in view of Sloan et al., US 2002/0091607 A1 (hereafter referred to as "Sloan").

Regarding claims 1 and 4. Pugliese teaches a method of providing a real time interactive environment, over the Internet, between an agent of an online retailer and a client (e.g. ¶¶0008-0010), comprising:

- creating images of a product of the online retailer, the images including at least one of a panorama view image, a 3-D movie image and a magnified image frame (see, e.g., Abstract, Figs. 1-3 and ¶¶0125);
- providing services for real-time, bi-directional communication between the agent and the client (¶¶0146 and 0159);
- pushing onto the client computer an alternative product (¶0229), wherein the agent and the client view the alternative product simultaneously (e.g. ¶¶0010 and 0058);

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- receiving client input (§§0117-0120 – note the client input can be information input for a profile, questions, saving items, and/or purchasing items); and
- providing a web server for hosting the created image of the product of interest and hosting the call center (Figs. 1-3 and §0138).

Pugliese teaches a shopping assistant who supports the client during his/her shopping session from a store or shop live assistant (e.g. §0141) and that the assistant and client are connected over the internet (e.g. §0137), but does not explicitly teach the services for communication being a call center or that the agent and client view and listen to voiceover information via a graphical user interface (GUI). However, Sloan, in the same field of endeavor and/or pertaining to the same issue, teaches a method and system for providing a communication medium between a client and agent/advisor including providing call center services for real-time, bi-directional communications (e.g. §0033) and using GUIs for viewing and listening to the product information and corresponding voiceover simultaneously (e.g. Figs. 12-14 and §§0007, 0026, 0027, 0030, 0033, 0068, 0078 and 0080 – note that the voiceover is the audio information of the product).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Pugliese to include the teachings of Sloan to allow for the services for communication being a call center and for the agent and client to view and listen to video and voiceover information regarding the pushed product via a GUI. One of ordinary skill in the art would have been motivated to do so based on the suggestion taught by Sloan that doing so would allow for a user to obtain the experience and judgment of a live advisor in an efficient and affordable fashion with both parties privy to the same information (§0008).

Regarding claims 2 and 5. Pugliese in view of Sloan further teaches the method of claim 1 wherein the client input includes a product purchase order (Pugliese, at least Abstract).

Regarding claims 3 and 6. Pugliese in view of Sloan teaches a bi-directional communication means, comprising one of voice chat, text chat, voice email, text email, group chat and shopping cart (Pugliese, ¶0115).

Regarding claims 24 and 25. All of the limitations in apparatus claims 24 and 25 are closely parallel to the limitations of method claims 1 and 4, analyzed above and are rejected on the same bases.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Pugliese, III et al., US 2002/0072974 A1, related to Pugliese cited above, and discloses the ShopLive system further (*see, e.g.*, pages 7-23).

(2) Battistini et al., US 5,907,275, discloses an order communication system that allows the customer to view live video of an attendant and the attendant to view the same video image the customer is seeing (*see, e.g.*, Fig. 6 and cols. 3-8).

(3) Baker, Al, "Linking the Internet to the Call Center," Telemarketing and Call Center Solutions, Norwalk, Mar. 1997, vol. 15, iss. 9, pg. 80, teaches a method of using images,

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providing call center services for bilateral communication between a client and agent, pushing an alternative product wherein the client and agent view and listen to the product and voiceover simultaneously, and receiving client input.

(4) Bookman, Murray, "The Next Wave: Internet Technology in the Call Center," Call Center CRM Solutions, Norwalk, Jun. 2000, vol. 18, iss. 12, pg. 72, teaches a method of using a call center to provide live Internet help with web collaboration, web callback, chat, email and video.

(5) Chiem, Phat X, "Live Help is on the Way," B to B, Chicago, Dec. 4, 2000, col. 85, iss. 20, pg. 25, teaches a method of using call centers to provide live Internet help with VoIP, text messaging and interactive chat.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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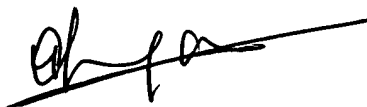
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ameer A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

April 5, 2007


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600